

Amendment No. 1 to HB2152

Haynes
Signature of Sponsor

AMEND Senate Bill No. 1805*

House Bill No. 2152

by deleting the WHEREAS clauses and substituting instead the following:

WHEREAS, broadcasters licensed by the Federal Communication Commission carry a heavy burden in transmitting information to all Tennessee citizens during times of emergency; and

WHEREAS, during recent tornado and flooding emergencies, questions have arisen as to whether broadcast engineers could access a broadcaster's facilities for the purpose of keeping any station's signal on the air and thereby provide lifesaving information to Tennessee citizens; and

WHEREAS, it is in the best interest of citizens of this state that broadcast stations be returned to service as soon as possible during times of emergency; that terrestrial radio and television stations are able to provide one-to-many communications even when cell phone sites and electric power distribution systems are out of commission. Emergency broadcasting plays a critical role in the rapid dissemination of information to the public, and is a key element in helping save lives in the aftermath of natural disasters, and

WHEREAS, there is a knowledgeable and professional organization capable of certifying the broadcast personnel who are appropriate to be permitted access to their stations in order to return their service to the air; now, therefore,

AND FURTHER AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. This act shall be known and may be cited as the "Emergency Response Broadcasters Act."

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SECTION 2. Tennessee Code Annotated, Section 58-2-101, is amended by adding the following as new, appropriately designated subdivisions:

() “Broadcaster” means a radio broadcasting station or a television broadcasting station primarily engaged in the business of facilitating or originating speech, pictures or both through over the air communications, both as to pure speech and commercial speech and for all purposes operating under licenses provided by the federal communications commission and which station has been selected by the federal emergency management agency as a primary entry point;

() “Emergency response broadcaster” means a person certified pursuant to § 58-2-134 as an emergency response broadcaster;

SECTION 3. Tennessee Code Annotated, Title 58, Chapter 2, Part 1 is amended by adding the following as a new section:

58-2-134.

(a) A state organization representing the majority of broadcasters in this state, in cooperation with the state and local emergency management agencies may develop plans for preparing for and responding appropriately to an emergency or disaster.

(b) Any state organization that represents the majority of the state’s broadcasters may establish a program for training and certifying broadcast engineers and technical personnel as emergency response broadcasters. Any such program established pursuant to this subsection (b) shall:

(1) Be consistent with the federal law and guidelines;

(2) Provide training and education concerning restoring, repairing, and resupplying any facilities and equipment of a broadcaster in an area affected by an emergency; and

(3) Provide training and education concerning the personal safety of an emergency broadcaster in an area affected by an emergency.

(c) To the extent practical and consistent with not endangering public safety or inhibiting recovery efforts, state and local officers and workers and government agencies shall allow emergency response broadcasters access to an area affected by an emergency for the purpose of restoring, repairing, or resupplying any facility or equipment critical to the ability of a broadcaster to acquire, produce, and transmit essential public information programming, including, without limitation, repairing and maintaining transmitters and generators and transporting fuel for generators.

(d) No emergency response broadcaster shall access an area affected by an emergency for the purpose of creating audio or video program content or transmitting information to the public.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring

it.